



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

April 3, 2014

Sean B. Neal J44718 B10-107U
Mule Creek State Prison
P.O. Box 409099
Ione, CA 95640

Dear Mr. Neal,

The U.S. Environmental Protection Agency Region 9 (EPA) is in receipt of your letter dated February 13, 2014, concerning Kern Valley State Prison (KVSP). As a matter of background, KVSP operates its own public water system and it is not connected to a separate public water system.

Per your letter, you stated concerns with the arsenic levels within KVSP from 2006-2012. KVSP was not in compliance of the arsenic maximum contaminant level (MCL) of 10 parts per billion for the aforementioned years. In 2008, the California Department of Public Health issued a compliance order against KVSP to return to compliance for violation of the arsenic MCL. In December 2012, KVSP's public water system returned to compliance after completing installation of necessary treatment to address elevated arsenic levels.

Upon examining the most current drinking water data and after discussions with the California Department of Public Health, at this time, Kern Valley State Prison appears to be in compliance with the arsenic MCL. EPA is currently not aware of any other water quality issues related to the KVSP's public water system. If you have any questions and/or concerns, please contact me at 415-972-3442 or respond to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Chen", is written over a horizontal line.

Christopher Chen
USEPA SDWA Enforcement Officer

Feb. 13, 2014

Sean B. Neal J44718 B10-107U
Mule Creek State Prison
P.O. Box 409099
Ione, California 95640

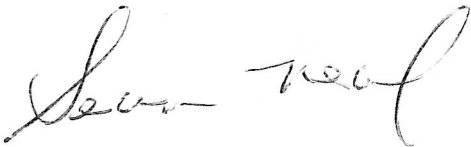
Environmental Protection Agency
875 Hawthorne Street
San Francisco, California 94105

To Whom this may concern:

I am writing this letter of inquiry to inquire about and to request/verify information related to a 2001 order given by your agency that all arsenic levels, nation-wide, be reduced from 50 parts per billion to 10 parts per billion. I was housed at Kern Valley State Prison from the years 2006-2012, and I am requesting your findings for those years respectively with regards to Kern Valley State Prison, specifically, whether that prison was in compliance with the order issued by your agency, and if not, how the prison was in non-compliance per the Public Records Act.

Thank you for time and attention. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script that reads "Sean Neal". The signature is written in dark ink and is positioned below the word "Sincerely,".



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 21 2014

Sean B. Neal J44718 B10-1054
Mule Creek State Prison
P.O. Box 409099
Ione, CA 95640

Dear Mr. Neal,

The U.S. Environmental Protection Agency Region 9 (EPA) is in receipt of your letter dated August 5, 2014, requesting more information regarding the revised arsenic rule and the Kern Valley State Prison (KVSP) compliance order.

Arsenic is a naturally occurring mineral found throughout the United States and is primarily found in groundwater. Arsenic is a known carcinogen and drinking high levels over many years can increase the chance of lung, bladder and skin cancers, as well as heart disease, diabetes and neurological damage. Arsenic inhibits the body's ability to fight off cancer and other diseases. To protect consumers served by public water systems from the effects of long-term, chronic exposure to arsenic, on January 22, 2001, EPA adopted a new standard for arsenic in drinking water at 10 parts per billion (ppb), replacing the old standard of 50 ppb. Public water systems had to comply with this standard by January 23, 2006, providing additional safe drinking water protection to an estimated 13 million Americans.

Regarding your concern to learn more about arsenic, enclosed you will find the EPA informational documents, "Arsenic In Your Drinking Water, Just The Facts For Consumers," and "Technical Fact Sheet: Final Rule for Arsenic in Drinking Water." These documents should help you in your search to understanding EPA's methods to dealing with arsenic in drinking water.

Enclosed you will also find a copy of the compliance order issued by the California Department of Public Health's Drinking Water Program, now under the supervision of the State Water Resources Control Board (SWRCB). In the State of California, the SWRCB has been granted primary authority by EPA to implement SDWA requirements within the boundary of the State. The SWRCB may be reached at P.O. Box 100, Sacramento, CA 95812-0100.

If you have any further questions, please feel free to call me at (415) 972- 3442 or respond to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Chen", is written over a horizontal line.

Christopher Chen
USEPA SDWA Enforcement Officer

U.S. EPA Region 9 Library
(415) 947-4406

AUG 15 2014

75 Hawthorne St
San Francisco, CA 94105

Seam Head # 54712 510-1050
Humboldt State, Oregon
P.O. Box 409097
Eureka, CA 95600

U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

August 5, 2014

To: Mr. Chen:

I'm responding to your letter dated April 3, 2014, addressing additional concerns with the ambient contamination of the water at Head Valley State. Thanks for the years 2005-2012, and before KID's recommendation 2012, installation of a new water filtration system.

Specifically, I would like to know in what year did the EPA have to order that adverse health situation water be filtered from 50 percent per person to 70 percent per billion? I would like to know at what level of contamination would drinking water for private or public use would be considered unsafe for consumption.

Finally, I would like to know if you can start directly at the California Department of Public Health about the 2006 exposure lawsuit against KID for its violation.

Thank you I look forward to your response.

Seam Head

JEAN WENT J44718 850-1054
Mule Creek State Prison
P.O. Box 408099
Irvine, CA 95640

13 *[Signature]*

PRISON GENERATED MAIL
Mule Creek State Prison
P.O. Box 408099
Irvine, CA 95640



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AUG 05 2014
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U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

FILE COPY

Compliance Order No. 03-12-08O-C37

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: KERN VALLEY STATE PRISON
Water System No. 1510802

TO: Mr. George Jaime, Correctional Plant Manager II
Kern Valley State Prison
3000 West Cecil Avenue
Delano, CA 93216

CC: Kern County Department of Environmental Health

**COMPLIANCE ORDER
FOR VIOLATION OF THE
ARSENIC MAXIMUM CONTAMINANT LEVEL****Issued on December 12, 2008**

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

FINDINGS

The Kern Valley State Prison water system (hereinafter "Prison") is a community water system located to the west of the City of Delano. The Prison is a state facility that serves a population of approximately 4,800 inmates and a maximum of 1,140 staff persons during the peak working hours. The Prison operates under a domestic water supply permit issued by the California Department of Public Health (hereinafter "Department") in April of 2005. The Prison's water system is supplied by two groundwater wells with storage provided by

Compliance Order 03-12-080-037

1 two 1.6 million gallon steel tanks (each) for a total of 3.2 million gallons. The water is
2 boosted into the distribution system by three booster pumps.

3
4 Beginning January 23, 2006, the U.S. Environmental Protection Agency (USEPA) adopted
5 a revised maximum contaminant level (MCL) for arsenic of 0.010 mg/L (milligrams per
6 liter). The arsenic MCL of 0.010 mg/L was recently adopted for California and became
7 effective November 28, 2008. Prior to this date, any non-compliance issues were referred
8 to U. S. EPA for enforcement action.

9
10 The Prison was issued a Notice of Violation by the Department on March 10, 2008 due to
11 an exceedance of the federal arsenic MCL during the first quarter of 2008. Based on data
12 submitted to the Department for Wells Nos. 1 and 2 the running annual average range for
13 these wells for the first quarter of 2008 was 0.014 mg/L and 0.022 mg/L respectively. As a
14 result, the Prison failed to comply with the National Revised Primary Drinking Water
15 Regulations, Section 141.62(b)(16), Title 40, Code of Federal Regulations, which
16 established the revised federal MCL for arsenic. Due to the violation, the Prison was
17 required to conduct quarterly public notification beginning with the first quarter of 2008
18 and would be repeated every three months as long as the violation exists. The Department
19 has received a copy of the notices that were issued along with proof of notification for the
20 1st, 2nd and 3rd quarters of 2008.

21
22 With the adoption of the state's arsenic MCL, the water supplied by the Prison's
23 groundwater wells continues to exceed the newly adopted MCL of 0.010 mg/L.
24
25
26
27

Compliance Order 03-12-080-037

The analytical results for arsenic sampling from the Prison's wells are tabulated below:

7/3/2007	0.017	0.023
10/04/2007	0.0079	0.021
11/08/2007	0.014	0.024
1/9/2008	0.014	0.020
4/02/2008	0.014	0.021
7/1/2008	0.017	0.019
10/1/2008	0.015	0.021

The fourth quarter running annual average arsenic concentration of the most recent four quarterly sample results ending with the fourth quarter of 2008 is 0.015 mg/L for Well No. 1 and 0.023 mg/L for Well No. 2. Specifically, both of the Prison's wells exceeds the arsenic MCL as specified in Section 64431.(a), Title 22, California Code of Regulations (CCR).

CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the Kern Valley State Prison's water system has violated provisions contained in the California Health and Safety Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to the following:

1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the Kern Valley State Prison water system is operating Wells Nos. 1 and 2 that produce water that does not comply with the primary drinking water standards.

Compliance Order 02-12-080-037

2. H&S Code Section 116555(a)(3). Specifically, the Kern Valley State Prison water system failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.
3. CCR Section 64431(a). Specifically, the water produced by Kern Valley State Prison water system exceeds the maximum contaminant level of 0.010 mg/L for arsenic, and therefore, does not comply with a primary drinking water standard.

ORDER

In order to ensure that the water supplied by the Kern Valley State Prison water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116555 of the H&S Code, the water system is ordered to take the following actions:

1. (a) Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
(b) By **February 1, 2009**, submit to the California Department of Public Health, for review and approval, a plan to correct the existing water quality problem and eliminate the need to deliver water to the system that does not meet the primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project, such as design, construction, and start-up.
(c) Kern Valley State Prison shall submit quarterly progress reports to the Department, beginning **April 10, 2009**.
2. Since Kern Valley State Prison must use the wells to meet system demand, public notification shall be provided in accordance with CCR Section 64463 of its inability

Compliance Order 03-12-080-037

1 to meet the arsenic MCL until a project is completed to provide water meeting
2 drinking water standards. The Prison shall continue to distribute the Department-
3 approved notice (Attachment A) to all consumers. Notification to the public shall be
4 **repeated every three months as long as the violation exists.** Proof of public
5 notification (Attachment B) to all water system users shall continue to be provided
6 to the Department following each quarterly notification by the 10th day of the month
7 following notification.
8

9 3. Quarterly monitoring of the wells for arsenic must be conducted, preferably before
10 each quarterly notice is released, so the notice can reflect the most recent sample
11 results.
12

13 4. The Department reserves the right to make such modifications to this Order as it
14 may deem necessary to protect public health and safety. Such modifications may be
15 issued as amendments to this Order and shall be effective upon issuance.
16

17 All submittals required by this Order shall be addressed to:

18 Tricia A. Wathen, P.E.
19 Senior Sanitary Engineer
20 Department of Public Health
21 Southern California Branch
22 Drinking Water Field Operations
23 265 W. Bullard Avenue, Suite 101
24 Fresno, CA 93704
25

26 5. If Kern Valley State Prison is unable to perform the tasks specified in this Order for
27 any reason, whether within or beyond its control, and if Kern Valley State Prison
notifies the Department in writing no less than five days in advance of the due date,
the Department may extend the time for performance if Kern Valley State Prison

Compliance Order 03-12-080-037

1 demonstrates that it has used its best efforts to comply with the schedule and other
2 requirements of this Order.

3
4 6. If Kern Valley State Prison fails to perform any of the tasks specified in this Order
5 by the time described herein or by the time subsequently extended pursuant to Item 5
6 above, Kern Valley State Prison shall be deemed to have not complied with the
7 obligations of this Order and may be subject to additional judicial action, including
8 civil penalties specified in H&S Code, Section 116725 and 116730.

9
10 7. The State of California shall not be liable for any injuries or damages to persons or
11 property resulting from acts or omissions by the Kern Valley State Prison, its
12 employees, agents, or contractors in carrying out activities pursuant to this Order,
13 nor shall the State of California be held as a party to any contract entered into by
14 Kern Valley State Prison or its agents in carrying out activities pursuant to this
15 Order.

Compliance Order 03-12-08O-037

PARTIES BOUND

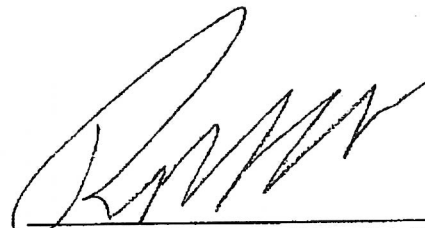
This Order shall apply to and be binding upon Kern Valley State Prison, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and Kern Valley State Prison shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

Date

12-12-08



Richard L. Haberman, P.E., Chief
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

RLH/TAW/LR

Attachments:

Attachment A: Public Notification Notice
Attachment B: Proof of Notification Form

1510802 Arsenic CO 1Q&2Q&3Q-08 ID 12-12-08



ATTACHMENT A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**Kern Valley State Prison Has Levels of Arsenic
Above Drinking Water Standards**

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Based on data gathered through monitoring of our wells over the last four quarters, the arsenic running annual average for Wells Nos. 1 and 2 is _____ mg/L and _____ mg/L respectively. This is above the standard or maximum contaminant level (MCL) of 0.010 milligrams per liter or 10 ug/L.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

~~Insert corrective action~~ _____

We anticipate resolving the problem within ~~estimated time frame~~ _____.

For more information, please contact _____ ~~insert name of contact~~ at (____) ____-____
~~insert phone number~~ or at the following mailing address: _____ ~~insert mailing address~~.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Kern Valley State Prison.

Date distributed: _____.

Sean B. Neal, J-44718
Mule Creek State Prison
P.O. Box 409040
Ione, Ca. 95640

~~October 07, 2014~~

November 13, 2014

United States
Environmental Protection Agency
75 Hawthorne Street
San Francisco, Ca. 94105-3901

To: Christopher Chen, ENF-3-3

Dear Mr. Chen:

On April 3, 2014 and August 21, 2014, you responded to letters I wrote to you regarding the high levels of arsenic found in Kern Valley State Prison's water system from year 2006 to 2012. You informed me that the California Dept. of Public Health issued a compliance Order against KVSP ordering them to cease and desist from failing to comply with Health & Safety Code §116555(a)(1), and you sent to me a copy of that Compliance Order.

I am writing to request the following information pursuant to Title 5, United States Code, §552, 552a. The information is sought for non-commercial purposes.

Please let me know if there are any duplication fees related to this request.

If your agency denies this request in whole or in part, please specify the exemption under Title 5, United States Code, §552, on which the denial is based on.

I look forward to receiving a response to this request within twenty (20) working days, as required by statute.

1. After reading several cases where inmates detained at KVSP complained of health related injuries as a result of drinking KVSP water from year 2006 to 2012, I need to discover the extent of their request. I request a copy of any complaints received by your agency from KVSP inmates or their supporters that the water KVSP provided the inmates are causing health related injuries.

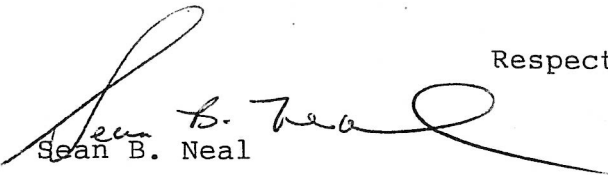
2. Did your agency contact or otherwise warn KVSP that the water they provided to their inmates from year 2006 to 2012 contained high level of arsenic? If so, I request a copy of any and all documentation relating to information and or warnings from your agency to KVSP regarding the arsenic in their water.

3. I request a copy of any and all documentation issued by or created by your agency regarding any investigation your agency conducted or took part in as a result of complaints by inmates or their supports/agents that the water at KVSP contained high levels of arsenic and that inmates complained of health related injuries as a result of drinking the water.

4. I request a copy of any information, published or not, developed as a result of any finding that KVSP water, which contained high levels of arsenic, could cause cancer, and/or health related complications and/or injuries as a result of persons drinking the water.

Thank you for your time and assistance.

Respectfully,


Sean B. Neal